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8 Attorneys for Creditor,
9 U.S. TelePacific Corp. dba TPx Communications

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11
12 **UNITED STATES BANKRUPTCY COURT**
13 **NORTHERN DISTRICT OF CALIFORNIA**

14 In Re:

15 **PG&E CORPORATION,**

16 **-and-**

17 **PACIFIC GAS AND ELECTRIC**
18 **COMPANY,**

19 **Debtors.**

20 Case No. 19-30088-DM

21 Chapter 11

22 **DECLARATION OF KELSEY FORSYTH**
23 **IN SUPPORT OF RESPONSE OF U.S.**
24 **TELEPACIFIC CORP DBA TPX**
25 **COMMUNICATIONS TO DEBTOR'S**
26 **FIRST OMNIBUS REPORT AND**
27 **OBJECTION TO CLAIMS ASSERTED**
28 **PURSUANT TO 11 U.S.C. §503(B)(9)**

29
30 Affects PG&E Corporation
31 Affects Pacific Gas and Electric Company
32 Affects both Debtors

33 Date: August 14, 2019

34 Time: 9:30 a.m.

35 Place: 450 Golden Gate Ave.,
36 Crtrm 17, 16th Flr.
37 San Francisco

38 Honorable Hon. Dennis Montali

39
40 I, Kelsey Forsyth, declare:

41 1. I am employed by U.S. TelePacific Corp. dba TPx Communications, Creditor herein,
42 (“U.S. TelePacific Corp.”) in the capacity as Vice President – Wholesale. I have occupied that position
43 since August 2006. The following facts are true and correct of my own knowledge. If called as a
44 witness, I could and would competently testify as follows.

45 2. I am personally familiar with the operations of U.S. TelePacific Corp. and the products
46 provided to Pacific Gas and Electric Company, consisting primarily of data bandwidth and

1 “SmartVoice”.

2 3. U.S. TelePacific Corp., a telecommunication company, provides voice and internet
3 capabilities to customers. In doing so, U.S. TelePacific provides equipment to customers to enable
4 voice and internet capabilities to them. The equipment, as shown by the invoice attached to U.S.
5 TelePacific Corp.’s proof of claim, include monthly recurring charges for those goods. To provide
6 these capabilities to customers, a transmitter is used to take information and convert that information
7 into a signal. That signal then carries forward through a physical channel, also known as a transmission
8 medium. Then, a receiver receives the signal from the physical channel and converts it to discernable
9 information for the recipient.

10 4. Although described as “services” much in the way in which electricity “service” is
11 described by a utility, U.S. TelePacific Corp. provides PG&E with the following:

12 a. *Data Bandwidth*. This is defined as a wired or wireless network communications
13 link to transmit the maximum amount of data from one point to another over a
14 computer network or internet connection in a given amount of time. Bandwidth
15 describes the data transfer rate. PG&E to consume Mbps data bandwidth.

16 b. *SmartVoice SIP Call Paths*. This allows PG&E to consume data, voice, and
17 Internet over its IP connection. (SIP trunking eliminates the need for separate
18 access for voice, eliminating the costs of maintaining separate circuits.)

19 5. This arrangement of transmitting voice and internet capabilities strongly resembles that
20 of transmitting electrical energy in several ways. These transmitting units pass from a transmitter to a
21 receiver in an identifiable way, and movement must occur for these transmitting units to be sent and
22 received.

23 6. These transmitting units, like electricity, are metered in their own way by way of data
24 use, distance, minutes, among other ways. Like electricity, these capabilities are provided through
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networks and systems. And, similar to electricity, these capabilities are capable of being metered and sold.

7. U.S. TelePacific Corp. provides PG&E with access to its complex infrastructure of equipment and lines with the charges measured by PG&E's usage in the same manner as electricity is sold by PG&E to its customers.

8. Product is consumed by PG&E and billed as consumed at meters located at PG&E premises.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed this 31st day of July, 2019, at Englewood, Colorado.

/s/ Kelsey Forsyth
KELSEY FORSYTH